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5 Attorneys for Defendant
6 Bodega Latina Corporation
dba El Super
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 ALEX ROMAN TARANGO,

11 Plaintiff,

12 vs.
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14 BODEGA LATINA CORPORATION,
d/b/a EL SUPER, DOES I-X, inclusive,
15 and ROE CORPORATIONS I-X,
inclusive,
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17 Defendants.
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Case No.: 2:17-cv-03062-MMD-VCF

**STIPULATION AND ORDER
REGARDING THE RULE 35
EXAMINATION OF PLAINTIFF**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties of
20 record, Orlando De Castroverde, Esq. of DE CASTROVERDE LAW GROUP, on behalf
21 of Plaintiff ALEX ROMAN TARANGO; and Michael C. Mills, Esq. of BAUMAN LOEWE
22 WITT & MAXWELL ON BEHALF OF Defendant BODEGA LATINA CORPORATION
23 d/b/a EL SUPER to the following terms and conditions for the Rule 35 medical
24 examination of ALEX ROMAN TARANGO by Joseph Schifini, M.D.

25 1. The examination will take place on July 6, 2018 at 3:00 p.m. at the offices
26 of Joseph Schifini, M.D., 600 S. Tonopah #116, Las Vegas, NV 89106.

27 2. The examination shall be limited exclusively to the area of the examining
28 physician's expertise. The physician's examination shall only cover those parts of

1 plaintiff's body that fall directly within the scope of the examining physician's expertise
2 and that are in controversy.

3 3. No x-rays, CT scans or MRI's shall be performed during the examination
4 unless advance permission is sought and approved in writing.

5 4. No mental or psychological examinations of Plaintiff shall be allowed.

6 5. Any paperwork or forms that Defendant's designated physician expects
7 Plaintiff to fill out and/or sign at the time of the Rule 35 medical examination shall be
8 submitted to Plaintiff's counsel for his/ her review and approval a minimum of 5 days
9 prior to the examination.

10 6. The examination will be limited to the date and time agreed to by counsel.
11 The designated physician shall not contact Plaintiff before or after the examination.

12 7. The designated physician may not engage in ex parte contact with
13 Plaintiff's health care providers or other experts.

14 8. Plaintiff will not bring any medical records or films to the exam, as
15 Defense Counsel may provide these to the designated physician.

16 9. Both the physician and the Plaintiff are permitted to operate a hand-held
17 audio recorder throughout the examination should they so choose.

18 10. If the designated physician has prepared a medical record review report
19 regarding this Plaintiff prior to the examination, the designated physician shall be
20 disqualified from conducting the examination.

21 11. Defense Counsel shall provide the designated physician with a copy of
22 these terms and advise the designated physician that the examination is contingent on
23 the physician adhering to each and every rule.

24 12. Within ten (10) days of receipt by Defense Counsel, or by the initial
25 expert deadline, whichever is sooner, Defense Counsel shall provide Plaintiff's Counsel
26 with a copy of all reports and writings generated by the examining physician and/or the
27 physician's staff regarding this matter, including, but not limited to: A copy of a detailed
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1 written report setting forth history, examination, findings, all diagnoses, all prognoses,
2 all conclusions of the examining physician, and all records reviewed.

3 13. Plaintiff is aware that Defendant will be obliged to pay the examining
4 physician for the examination whether Plaintiff appears for the examination or not.
5 Should plaintiff fail to appear at the place, date and time set forth above, Plaintiff may
6 be obliged to reimburse defendant for the doctors cancellation fee of \$1,600.00 two
7 business days or less or \$800.00 three to five business days prior to the scheduled
8 deposition if the court determines that Plaintiff has not exercised his best efforts to
9 attend the examination.

10 14. Unless the examination begins within thirty (30) minutes of the scheduled
11 start time, the Plaintiff shall have the right to leave without penalty.

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1 15. The designated physician shall not ask any questions which are not
2 normally a part of a customary medical examination (e.g. liability, potential monetary
3 recovery, professional criticisms, Plaintiff's motivation for or willingness to pursue the
4 claim, Plaintiff's intentions/thoughts regarding potential monetary recovery, past
5 settlements).

6 Dated this 21st day of June, 2018

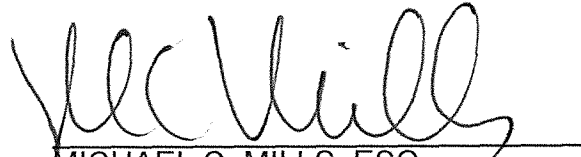
7 DE CASTROVERDE LAW GROUP

8
9 /s/ Kimberly Valentin, Esq.

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12 ORLANDO DE CASTROVERDE, ESQ.
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18 Attorneys for Plaintiff,
19 Alex Roman Tarango

 Dated this 21st day of June, 2018

 BAUMAN LOEWE WITT & MAXWELL



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 Fax: 702-240-4267
 Attorneys for Defendant,
 Bodega Latina Corporation,
 dba El Super

16 **IT IS SO ORDERED.**

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19 _____
20 ~~UNITED STATES DISTRICT COURT JUDGE,~~
21 ~~UNITED STATES DISTRICT COURT MAGISTRATE JUDGE~~

22 6-25-2018
23 DATED: _____